

Department of the Army, DoD

§ 552.214

§ 552.211 Purpose.

This subpart establishes policies, responsibilities, and procedures for protests, picketing, and other similar demonstrations on the Aberdeen Proving Ground installation.

§ 552.212 Scope.

(a) The provisions of this subpart apply to all elements of U.S. Army Garrison, Aberdeen Proving Ground (USAGAPG), and the supported organizations and activities on the Aberdeen and Edgewood Areas of Aberdeen Proving Ground.

(b) The provisions of this subpart cover all public displays of opinions made by protesting, picketing, or any other similar demonstration.

(c) The provisions of this subpart are applicable to all people, military and civilian employees, and all visitors, family members, or others, entering, upon or present at Aberdeen Proving Ground.

§ 552.213 Policy.

(a) Aberdeen Proving Ground is a non-public forum and is open for expressive activity only under certain circumstances. Aberdeen Proving Ground is a military installation under the exclusive federal jurisdiction at which official business of the federal government is conducted, including military training, testing of weapon systems and other military equipment, and other official business.

(b) On Aberdeen Proving Ground, except for activities authorized under 5 United States Code Chapter 71, Labor Management Relations, it is unlawful for any person to engage in any public displays of opinions made by protesting, picketing or any other similar demonstration without the approval of the Commander, U.S. Army Garrison, Aberdeen Proving Ground. Therefore, unless prior approval has been obtained as outlined below in 32 CFR 552.214, it will be unlawful for any person on Aberdeen Proving Ground to:

(1) Engage in protests, public speeches, marches, sit-ins, or demonstrations promoting a point of view.

(2) Interrupt or disturb the testing and evaluating of weapon systems, or any training, formation, ceremony,

class, court-martial, hearing, or other military business.

(3) Obstruct movement on any street, road, sidewalk, pathway, or other vehicle or pedestrian thoroughfare.

(4) Utter to any person abusive, insulting, profane, indecent, or otherwise provocative language that by its very utterance tends to excite a breach of the peace.

(5) Distribute or post publications, including pamphlets, newspapers, magazines, handbills, flyers, leaflets, and other printed materials, except through regularly established and approved distribution outlets and places.

(6) Circulate petitions or engage in picketing or similar demonstrations for any purpose.

(7) Engage in partisan political campaigning or electioneering.

(8) Disobey a request from Department of Defense police, other government law enforcement officials (e.g., Federal, State, or local law enforcement officials), military police, or other competent authority to disperse, move along or leave the installation.

(c) In appropriate cases, the Commander, U.S. Army Garrison, Aberdeen Proving Ground may give express written permission for protests, picketing, or any other similar demonstrations on Aberdeen Proving Ground property outside the gates adjacent to the installation borders, only if the procedures outlined below in 32 CFR 552.214 are followed.

§ 552.214 Procedures.

(a) Any person or persons desiring to protest, picket, or engage in any other similar demonstrations on Aberdeen Proving Ground must submit a written request to the Commander, U.S. Army Garrison, Aberdeen Proving Ground, ATTN: STEAP-CO, 2201 Aberdeen Boulevard, Aberdeen Proving Ground, Maryland 21005-5001. The request must be received at least 30 calendar days prior to the demonstration, and it must include the following:

(1) Name, address, and telephone number of the sponsoring person or organization. (If it is an organization, include the name of the point of contact.)

(2) Purpose of the event.

(3) Number of personnel expected to attend.

§ 552.215

(4) Proposed date, time, location and duration of the event.

(5) Proposed means of transportation to and from APG.

(6) Proposed means of providing security, sanitary services and related ancillary services to the participants.

(b) Based on the Commander's concerns for discipline, mission accomplishment, protection of property, and the safeguarding of the health, morale, and welfare of the APG community, the Commander will determine whether to grant the request and, if granted, any limitations as to where and when it will take place.

§ 552.215 Responsibilities.

(a) Director, Law Enforcement and Security, U.S. Army Garrison, Aberdeen Proving Ground, will furnish police support as needed.

(b) Chief Counsel and Staff Judge Advocate, U.S. Army Test and Evaluation Command, will provide a legal review of the request.

§ 552.216 Violations.

(a) A person is in violation of the terms of this subpart if:

(1) That person enters or remains upon Aberdeen Proving Ground when that person is not licensed, invited, or otherwise authorized by the Commander, U.S. Army Garrison, Aberdeen Proving Ground pursuant to the terms of § 552.214; or

(2) That person enters upon or remains upon Aberdeen Proving Ground for the purpose of engaging in any activity prohibited or limited by this subpart.

(b) All persons (military personnel, Department of the Army civilian employees, civilians, and others) may be prosecuted for violating the provisions of this subpart. Military personnel may be prosecuted under the Uniform Code of Military Justice. Department of the Army civilian employees may be prosecuted under 18 U.S.C. 1382, and/or disciplined under appropriate regulations. Civilians and others may be prosecuted under 18 U.S.C. 1382.

(c) Administrative sanctions may include, but are not limited to, bar actions including suspension of access privileges, or permanent exclusion from Aberdeen Proving Ground.

32 CFR Ch. V (7–1–09 Edition)

APPENDIX A TO PART 552—DPCA RECREATIONAL AREAS IN TRAINING AREAS

1. DOD use only, permit not required:

NOTE. Use is authorized only to military, retired military, DOD civilian personnel, their family members and accompanied guests.

Boat launch adjacent to Officer's Club Beach on American Lake/Beachwood area

Cat Lake Picnic and Fishing Area—Training Area 19

Chambers Lake Picnic and *Fishing Area—Training Area 12 (See para 2 below)

Ecology Park Hiking Path—North Fort, CTA A West

Fiander Lake Picnic and Fishing Area—Training Area 20

Johnson Marsh—Training Area 10

Lewis Lake Picnic and Fishing Area—Training Area 16

Miller Hill Trail Bike Area (DOD only)—Main Post

No Name Lake—Training Area 22

Sequalitchew Lake Picnic Area—Training Area 2

Shannon Marsh—CTA D

Skeet Trap Range—2d Division Range Road, CTA E

Solo Point Boat Launch—North Fort, CTA A West

Sportman's Range—East Gate Road, Range 15

Wright Marsh/Lake—CTA C

Vietnam Village Marsh—Training Area 9 and 10

2. Non-DOD use, permit required: Chambers Lake, fishing only.

APPENDIX B TO PART 552—NON-PERMIT ACCESS ROUTES

1. The following public easement routes may be used without permit or check-in:

I-5

Steilacoom-DuPont Road (EH 286156 to EH 302227).

Pacific Highway Southeast (EH 232119 to EH 250141).

Washington State Route 507 (EH 363061 to EH 429144).

Goodacre (unpaved) and Rice Kandle (paved) Roads (EH 386088 to EH 450074).

8th Avenue South (EH 424045 to EH 424126).

8th Avenue East (EH 440074 to EH 440126).

208th Avenue (EH 424126 to EH 432126).

Washington State Route 510 (EH 235063 to EH 247054 and EH 261046 to EH 273020).

Yelm Highway (EH 233056 to EH 239058).

Rainier Road Southeast (EG 167997 to EG 213941).

Military Road Southeast (EG 213941 to EG 215944).

Spurgeon Creek Road (EG 178986 to EG 179997).